

SUPREME COURT OF NEW JERSEY  
DISCIPLINARY REVIEW BOARD  
Docket No. 25-179  
District Docket No. XIV-2024-0331E

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In the Matter of Brian P. Largey  
An Attorney at Law

Argued  
October 23, 2025

Decided  
January 23, 2026

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Farida Rajwani appeared on behalf of the  
Office of Attorney Ethics.

Respondent appeared pro se.

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## **Introduction**

To the Honorable Chief Justice and Associate Justices of the Supreme Court of New Jersey.

This matter was before us pursuant to R. 1:20-6(c)(1).<sup>1</sup> The Office of Attorney Ethics (the OAE) charged respondent with having violated RPC 1.15(d) (failing to comply with the recordkeeping requirements of R. 1:21-6) and RPC 8.1(b) (failing to cooperate with disciplinary authorities).

For the reasons set forth below, we determine that a reprimand, with conditions, is the appropriate quantum of discipline for respondent's misconduct.

## **Ethics History**

Respondent earned admission to the New Jersey bar in 2009. He has no prior discipline. During the relevant timeframe, he maintained a practice of law in Middletown, New Jersey.

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<sup>1</sup> That Rule provides that the pleadings and a statement of the procedural history of the matter may be filed directly with us, without a hearing, if the pleadings do not raise genuine disputes of material fact, respondent does not request an opportunity to be heard in mitigation, and the presenter does not request an opportunity to present aggravating circumstances.

## **Facts**

On January 5, 2018, the OAE conducted a random audit of respondent's attorney financial records. In September 2019, following respondent's certification that he had corrected all identified recordkeeping deficiencies, the audit was closed without disciplinary action.

In connection with the instant matter, respondent maintained an attorney trust account (ATA) and attorney business account (ABA) at TD Bank.

On July 12, 2024, TD Bank notified the OAE of an overdraft affecting respondent's ATA that occurred the previous day. Consequently, on August 1, 2024, the OAE sent a letter to respondent directing him to provide, no later than September 3, 2024, a written explanation for the overdraft. Respondent, however, failed to submit a reply. Although respondent admitted, in his verified answer, that he did not provide an explanation to the OAE, he asserted that "mentally at the time, [he] was in severe distress."

On September 9, 2024, the OAE sent another letter to respondent, directing that he provide, no later than September 17, 2024, a written explanation for the overdraft. The same date, respondent requested, in writing, additional time to submit his reply. In his letter, he briefly explained that TD Bank had credited \$1,713.83 to his ATA because it mistakenly "allowed a judgment for funds against my attorney trust account twice. It should have been

against my personal account and not my Trust account.”<sup>2</sup> He asserted that he filed a motion to oppose the judgment and to refund the additional \$1,713.18 judgement against his ATA.

On September 16, 2024, respondent provided another incomplete explanation to the OAE concerning the overdraft. Consequently, on September 26, 2024, the OAE notified him, in writing, that it had scheduled a demand audit for November 13, 2024 and directed him to produce his books and records no later than October 16, 2024.

On November 12, 2024, the day before the demand audit, respondent provided the OAE incomplete books and records. During the demand audit, respondent admitted that he was “very lax” in maintaining his ATA monthly receipts journal and did not maintain an ATA disbursements journal at all. He also admitted that he did not prepare monthly three-way reconciliations for his ATA. Additionally, he admitted that he failed to maintain an ATA ledger, although he recreated one in advance of the demand audit. He also failed to maintain monthly receipts or disbursements journals for his ABA. Finally,

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<sup>2</sup> The OAE confirmed that the overdraft in respondent’s ATA was caused by “an erroneously issued levy on Respondent’s ATA which was drawn twice.” Respondent successfully petitioned the court to withdraw the order issuing the levy and, ultimately, TD Bank reversed the second levy draw of \$1,713.18. Therefore, the OAE did not charge respondent with having violated RPC 1.15(a) (negligently misappropriating entrusted funds).

respondent admitted that he failed to retain copies of check deposit slips and failed to deposit earned legal fees in his ABA.

On November 14, 2024, the OAE notified respondent, in writing, of the fourteen recordkeeping deficiencies it had identified during the audit and directed him to provide, no later than December 9, 2024, proof of his corrective actions and reconstruction of his records. Specifically, the deficiencies included:

- a. Improper ATA and ABA designations, in violation of R. 1:21-6(a)(2);
- b. Failing to maintain ATA or ABA receipts or disbursements journals, in violation of R. 1:21-6(c)(1)(A);
- c. Failing to maintain individual ledger cards for each client, in violation of R. 1:21-6(c)(1)(B);
- d. Failing to conduct monthly three-way reconciliations of his ATA, in violation of R. 1:21-6(c)(1)(H);
- e. Failing to maintain a running ATA checkbook balance, in violation of R. 1:21-6(c)(1)(G);
- f. Commingling personal funds with client funds, in violation of RPC 1.15(a);
- g. Failing to retain ATA or ABA records for a period of seven years, in violation of R. 1:21-6(c)(1); and
- h. Failing to deposit all earned legal fees in an ABA, in violation of R. 1:21-6(a)(2).

[C¶20;A¶20;Ex.10.]<sup>3</sup>

Nine of the foregoing deficiencies previously had been identified during the OAE's January 2018 random audit.<sup>4</sup>

Respondent failed to provide proof of his corrective actions or his reconstructed records. Therefore, on December 19, 2024, the OAE sent an e-mail directing him to provide a reply by January 3, 2025. Although respondent replied to the OAE's e-mail stating that he would "have it done" by January 3, 2025, he failed to do so.

On January 27, 2025, the OAE sent another e-mail to respondent, directing him to provide his outstanding financial records no later than January 31, 2025. In reply, respondent asserted that he already had sent the requested information. However, the next day, the OAE spoke with respondent and confirmed with him that it had not received the information. In the OAE's January 28, 2025 e-mail confirming that conversation, the OAE reiterated that a response to the November 14, 2024 deficiency letter was due by January 31, 2025.

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<sup>3</sup> "C" refers to the formal ethics complaint, dated May 29, 2025.

"Ex." refers to the exhibits to the complaint.

"A" refers to respondent's verified answer, dated July 8, 2025.

<sup>4</sup> The recurring deficiencies included: improper ATA and ABA designations; failing to maintain ATA or ABA receipts or disbursements journals; failing to maintain individual client ledger cards; failing to conduct monthly three-way reconciliations of his ATA; and failing to deposit all earned legal fees in an ABA.

On February 18, 2025, the OAE sent an e-mail to respondent confirming receipt of his January 31, 2025 submission and informing him that certain records remained outstanding. The e-mail also informed him that the OAE would be moving forward with its disciplinary investigation.

On February 20 and 21, 2025, respondent provided additional documents to the OAE. On April 1, 2025, following its review, the OAE sent an e-mail to respondent detailing the outstanding information and directing him to produce his records, including attorney ledger cards, monthly receipts and disbursements journals, and monthly three-way reconciliations, no later than April 15, 2025.

On April 16, 2025, the OAE sent another e-mail to respondent seeking an update about his outstanding records and providing him with a one-day extension to produce the documents. On April 17 and 21, 2025, respondent provided documents to the OAE, in partial reply to its demands.

On April 25, 2025, the OAE sent an e-mail to respondent, detailing the deficiencies that remained unresolved and directing him to produce compliant records no later than May 5, 2025. On May 1, 2025, the OAE denied respondent's request for an extension to produce his records. As a result, on May 5, 2025, respondent provided records to the OAE; however, his production remained deficient.

Between May 6 and May 15, 2025, respondent and the OAE exchanged e-mails concerning the outstanding records. The OAE advised him that, if he wished to submit additional information, he must do so by May 16, 2025. Respondent, however, failed to submit any additional information.

As of May 29, 2025, the date of the filing of the formal ethics complaint, respondent had not corrected the following recordkeeping deficiencies and, consequently, remained noncompliant with R. 1:21-6:

- a. Failing to maintain ATA receipts or disbursements journals, in violation of R. 1:21-6(c)(1)(A);
- b. Failing to conduct monthly three-way reconciliations, in violation of R. 1:21-6(c)(1)(H);
- c. Failing to maintain a ledger card for attorney funds held for bank charges, in violation of R. 1:21-6(c)(1)(B); and
- d. Failing to maintain ABA receipts or disbursements journals, in violation of R. 1:21-6(c)(1)(A).

[C¶65;A¶65.]

Based on the foregoing, the OAE charged respondent with having violated RPC 1.15(d) by failing to comply with the recordkeeping requirements set forth in R. 1:21-6. The OAE also charged respondent with having violated RPC 8.1(b) by failing to maintain his financial records, as R. 1:21-6 requires, and by failing to provide proof to the OAE that he had brought his records into compliance with R. 1:21-6.

In respondent's verified answer, he admitted having violated the charged RPCs. However, he asserted various defenses for his recordkeeping violations, as well as his failure to cooperate fully with the OAE's investigation.

Specifically, respondent contended that his mental and physical health prevented him from fully cooperating with the OAE. Further, he admitted that he still had not corrected his records and intended to hire an accountant to assist him in this respect.

Respondent attributed his mental anguish to a number of factors. First, his mother passed away on March 12, 2023, and his father passed away six days after the overdraft of his ATA. However, prior to his father's passing, respondent believed his siblings influenced their father "to turn on [him]" and, consequently, he had been "cut out of the family business in secrecy." He filed a lawsuit against his siblings to address issues with his father's estate.

Next, respondent asserted that he is a former New Jersey State Trooper and, in 1998, was awarded a full accidental disability pension due to the Post-Traumatic Stress Disorder (PTSD) he developed following a 1995 shooting. His PTSD manifests as anxiety attacks, nightmares, sweating, and an elevated heart rate. Moreover, after the OAE referred him to the New Jersey Lawyers Assistance Program, he began counseling and attending weekly meetings. He

also sees a psychiatrist for his mental health. Respondent did not append medical records to his verified answer.

Respondent asserted that he was doing the best he could to cooperate with the OAE's investigation and already had reduced his law practice prior to his ATA's overdraft to assume "the extra duties with caring for my parents." He recognized that his misconduct warranted discipline but asked for discipline less than a term of suspension, emphasizing his mitigating factors. Moreover, he asserted that he had cooperated with the 2018 random audit but did not receive confirmation that the matter was closed. Thereafter, he began employment with a new law firm, in 2018, so he "felt [he] did not need to maintain a Trust Account, so [he] never implemented new procedures."

### **The Parties' Positions Before the Board**

In its written submission to us, and during oral argument, the OAE asserted that a reprimand was the appropriate quantum of discipline for respondent's misconduct. The OAE argued that, because of respondent's previous random compliance audit, he had a heightened awareness of his recordkeeping responsibilities. Nevertheless, he failed to maintain "virtually any records" required by the recordkeeping Rules.

The OAE noted that, as of the date of its submission, respondent had failed to comply fully with his recordkeeping obligations. Nevertheless, it did not dispute respondent's assertion that he suffered from unexpected mental health and family issues from September 2024 through May 2025. Thus, the OAE urged that, as conditions to his discipline, respondent be required to submit to the OAE quarterly reconciliations for two years and provide proof of his fitness to practice law as attested to by a medical professional approved by the OAE.

Respondent did not submit a brief for our consideration. However, during oral argument, he admitted that he had failed to keep his records in compliance with R. 1:21-6. He explained that, at the time of the 2024 audit, he was the caregiver for his elderly parents, who had health issues, and he was "putting out fires" with his family. He did not intend, however, to ignore the OAE's requests for information. He explained that he does not "do math well" and, if he continues to practice law, he plans to hire a professional to ensure he is compliant with his recordkeeping obligations in the future.

## **Analysis and Discipline**

### *Violations of the Rules of Professional Conduct*

Following our review of the record, we find that the facts set forth in the formal ethics complaint support all the charges of unethical conduct by clear and convincing evidence.

Respondent admittedly violated RPC 1.15(d) by failing to comply with the recordkeeping requirements of R. 1:21-6 in numerous respects. Specifically, he failed to (1) maintain ATA or ABA receipts or disbursements journals; (2) conduct ATA monthly three-way reconciliations; (3) maintain all required ATA and ABA records for seven years; (4) maintain individual client ledger cards; (5) maintain a client ledger card for attorney funds held for bank charges; (6) maintain proper ATA and ABA designations; and (7) maintain a running checkbook balance. Indeed, despite the OAE's prodding of him, for more than ten months, to bring his records into compliance, respondent's records remain deficient.

Respondent also violated RPC 8.1(b) by failing to cooperate fully with the OAE's investigation following the overdraft of his ATA. R. 1:20-(g)(3) requires a lawyer to cooperate in a disciplinary investigation and to reply, in writing, within ten days of receiving a request for information. RPC 8.1(b), in turn, prohibits a lawyer from knowingly failing to reply to a lawful demand for

information from a disciplinary authority. As the complaint alleges and respondent admits, since the inception of the OAE's investigation, he has failed to provide timely or complete replies to the OAE's numerous demands for information. Despite the OAE's consistent reminders that his records were overdue or deficient, respondent admittedly failed to provide the OAE with the records it demanded.

Further, as stated, respondent conceded that he failed to maintain numerous financial records for the OAE's inspection. An attorney who, like respondent, fails to comply with the requirements of R. 1:21-6 "in respect of the maintenance, availability and preservation of accounts and records or who fails to produce or to respond completely to questions regarding such records as required shall be deemed to be in violation of RPC 1.15(d) and RPC 8.1(b)." See R. 1:21-6(i).

It is well-settled that partial compliance with a disciplinary authority's lawful demands for information does not satisfy an attorney's obligation to cooperate with a disciplinary investigation. In the Matter of Marc Z. Palfy, DRB 15-193 (March 30, 2016) at 48 (describing the attorney's "cooperation as no less disruptive and frustrating than a complete failure to cooperate," and noting that "partial cooperation can be more disruptive to a full and fair investigation, as it forces the investigator to proceed in a piecemeal and disjointed fashion"),

so ordered, 225 N.J. 611 (2016). See also In re Sheller, 257 N.J. 495 (2024) (although the attorney timely replied to the OAE's correspondence, he admittedly failed to bring his financial records into compliance, despite the OAE's extensive efforts, spanning fourteen months; indeed, on at least four occasions, the OAE provided the attorney with specific guidance on how to correct his records; notwithstanding the OAE's repeated good faith efforts to accommodate him, his submissions consistently remained deficient; we, thus determined that he violated RPC 8.1(b); the Court agreed), and In re Higgins, 247 N.J. 20 (2021) (the attorney failed, for more than seventeen months, to comply with the OAE's numerous requests for information regarding the matters under investigation, necessitating his temporary suspension; although the attorney ultimately filed a reply to the ethics grievance, brought his records into compliance, and stipulated to his misconduct, we concluded that his lengthy period of non-compliance constituted failure to cooperate; the Court agreed).

In sum, we determine that respondent violated RPC 1.15(d) and RPC 8.1(b). The sole issue left for our determination is the appropriate quantum of discipline for respondent's misconduct.

### Quantum of Discipline

Recordkeeping irregularities are met with an admonition where, as here, they have not caused a negligent misappropriation of client funds. Even in the absence of a negligent misappropriation, however, greater discipline may be imposed if the attorney has failed to correct recordkeeping deficiencies that previously were brought to the attorney's attention. See, e.g., Sheller, 257 N.J. 495 (reprimand for an attorney after a random audit revealed recordkeeping deficiencies that the OAE previously had identified in a random audit eight years earlier; the attorney failed to cooperate with the OAE's investigation, despite the passage of fourteen months and multiple prompts from the OAE; violations of RPC 1.15(d) and RPC 8.1(d); in mitigation, the attorney had no prior discipline and stipulated to his misconduct); In re Polcari, 255 N.J. 403 (2023) (reprimand for an attorney who had a heightened awareness of her obligations under R. 1:21-6, having previously been the subject of a random compliance audit; no prior discipline in thirty-seven years at the bar); In re Abdellah, 241 N.J. 98 (2020) (reprimand for an attorney who should have been mindful of his recordkeeping obligations based on a "prior interaction" with the OAE in connection with his recordkeeping practices, although that interaction had not led to an allegation of unethical conduct; violation of RPC 1.15(d); no prior discipline).

Admonitions typically are imposed for failure to cooperate with disciplinary authorities, if the attorney has a limited or no disciplinary history or if compelling mitigation is present. The quantum of discipline is enhanced, however, if the failure to cooperate is with an arm of the disciplinary system, such as the OAE, which uncovers recordkeeping improprieties in a trust account and requests additional documentation. See, e.g., In re Wachtel, 257 N.J. 359 (2024) (reprimand for an attorney who failed to provide the OAE with complete financial records and to correct his recordkeeping deficiencies, despite five extensions granted by the OAE; by the date of the parties' stipulation, the attorney still had not provided the OAE with records demonstrating that he had resolved these deficiencies; violations of RPC 1.15(d) and RPC 8.1(b); in mitigation, the attorney had no disciplinary history and his misconduct did not harm any client); In re Schlachter, 254 N.J. 375 (2023) (reprimand for an attorney who committed recordkeeping violations and, for almost a year, failed to comply with the OAE's numerous record requests; ultimately, the attorney provided only a portion of the requested records; although the OAE attempted to help the attorney take corrective action, he remained non-compliant with the recordkeeping Rules; violations of RPC 1.15(d) and RPC 8.1(b); in mitigation, the attorney's misconduct resulted in no harm to his clients and he had no disciplinary history in sixteen years at the bar); In re Tobin, 249 N.J. 96 (2021)

(censure for an attorney who, following an OAE random audit that uncovered several recordkeeping deficiencies (including more than \$800,000 in negative client balances), failed to provide the documents requested in the OAE’s seven letters and eight telephone calls, spanning more than one year; although we noted that a reprimand was appropriate for the attorney’s recordkeeping violations and failure to cooperate, we imposed a censure in light of the attorney’s prior reprimand for recordkeeping violations and the default status of the matter; in mitigation, the attorney had been practicing law for sixty-three years and suffered serious health problems prior to the continuation date of the random audit).

Here, based on the 2018 random audit, respondent had a heightened awareness of his recordkeeping obligations and his duty to comply with R. 1:21-6. Nevertheless, during the instant investigation, the OAE identified nine of the same recordkeeping violations that it previously had identified during the 2018 audit. See In the Matter of Meryl M. Polcari, DRB 23-151 (September 27, 2023) (the attorney had a “heightened awareness” of her obligations under R. 1:21-6 based on a prior interaction with the OAE regarding her recordkeeping obligations), so ordered, 255 N.J. 403.

Respondent’s misconduct is analogous to that of the attorney in Sheller, who was reprimanded for his violations of RPC 1.15(d) and RPC 8.1(b), despite

his heightened awareness of his recordkeeping obligations following a previous random audit. Also like the attorney in Sheller, respondent still has not produced complete and compliant records to the OAE, despite the OAE having sent him fourteen letters and e-mails, in addition to the demand audit and at least one telephone conversation, all directing him to correct his records.

Based on the foregoing precedent, Sheller in particular, the baseline discipline for respondent's misconduct is a reprimand. To craft the appropriate discipline in this case, however, we also consider aggravating and mitigating circumstances.

In aggravation, respondent's records remain noncompliant, despite the OAE's year-long involvement. See In re Silber, 100 N.J. 517 (1985).

In mitigation, respondent has no prior discipline in his sixteen years of practice. We also accord mitigating weight to the mental health and family struggles that he experienced during the relevant timeframe, particularly in view of his PTSD diagnosis.

### **Conclusion**

On balance, we determine that neither the aggravating nor mitigating factors are so compelling as to warrant a departure from the baseline discipline

and, thus, conclude that a reprimand is the appropriate quantum of discipline necessary to protect the public and preserve confidence in the bar.

As conditions to his discipline, we recommend that, within sixty days of the Court's disciplinary Order in this matter, respondent be required to (1) attend a recordkeeping course pre-approved by the OAE, and (2) submit proof to the OAE of his fitness to practice law as attested to by medical doctor approved by the OAE, with a description of his progress in his ongoing mental health treatment. Additionally, we recommend that respondent be required to submit to the OAE, on a quarterly basis, his monthly three-way reconciliations for a period of two years.

Vice-Chair Boyer and Member Campelo were absent.

We further determine to require respondent to reimburse the Disciplinary Oversight Committee for administrative costs and actual expenses incurred in the prosecution of this matter, as provided in R. 1:20-17.

Disciplinary Review Board  
Hon. Mary Catherine Cuff, P.J.A.D.  
(Ret.), Chair

By: /s/ Timothy M. Ellis  
Timothy M. Ellis  
Chief Counsel

SUPREME COURT OF NEW JERSEY  
DISCIPLINARY REVIEW BOARD  
VOTING RECORD

In the Matter of Brian P. Largey  
Docket No. DRB 25-179

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Argued:        October 23, 2025

Decided:      January 23, 2026

Disposition:   Reprimand

<i>Members</i>	Reprimand	Absent
Cuff	X	
Boyer		X
Campelo		X
Hoberman	X	
Menaker	X	
Modu	X	
Petrou	X	
Rodriguez	X	
Spencer	X	
Total:	7	2

/s/ Timothy M. Ellis  
Timothy M. Ellis  
Chief Counsel